

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH HENSLEY,

Plaintiff,

v.

ALICIA SWANSON,

Defendant.

Case No. 3:24-CV-124

MEMORANDUM ORDER

This action was received by the Clerk of Court on June 4, 2024. The matter was ultimately assigned and referred to United States Magistrate Judge Keith A. Pesto, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On October 30, 2024, Judge Pesto issued a Report and Recommendation recommending that this matter be dismissed for failure to state a claim without leave to amend. He further recommended that a prior order directing service be revoked. ECF No. 8. To date, no objections to the Report and Recommendation have been filed.

“If a party objects timely to a magistrate judge's report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” *EEOC v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 3rd day of January 2025;

IT IS ORDERED that this matter is dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915A and 28 U.S.C. § 1915(e)(2), with prejudice.

IT IS FURTHER ORDERED that the order directing service [ECF No. 6] is hereby revoked.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Pesto, issued on October 30, 2024 [ECF No. 8] is adopted as the opinion of the court.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge